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U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT, EASTERN DIVISION, AT: MONTGOMERY, ALABAMA

GENE COGGINS Pro st  
1436 COUNTY ROAD #299  
LANETT, AL 36863  
Plaintiff

v;

Lead Case. 3:07cv402-MEF-TFM  
DIST. COURT NO. 3:07-CV-00406-MEF-TFM

TALLAPOOSA COUNTY and  
TALLAPOOSA COUNTY SHERIFF DEPART.  
Defendants

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## PLAINTIFFS BRIEF

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### INTRODUCTORY:

COMES NOW, GENE COGGINS, THE ABOVE PLAINTIFF WITH THIS BRIEF, IN ANSWER TO THE ILLEGAL ORDER, FILED 08 - 07 - 2007, BY U.S. MAGISTRATE JUDGE TERRY F. MOORE. THE ONLY ISSUE LEFT BEFORE THIS COURT IS; TO WHERE THEY ARE GOING TO HONOR AND ENFORCE THE DEFAULT AND DEFAULT JUDGMENT THAT WAS FILED ACCORDING TO THE FEDERAL RULES OF COURT 3, 4, 5, WITH THIS CONCEPT OF " THE DUE PROCESS OF LAW," THAT IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED STATES

CONSTITUTION, AND HAS PRESTIGE OVER ANY OTHER RULES OF LAW, THAT IS NOT LEFT FOR ANY COURT OR JUDGE TO CHANGE. U.S. V: Smith D. C. Iowa, 249 App. Supp. 515, 516..

**COURT ERRORS:**

1. REFUSED TO HONOR THE COMPLAINT AND SUMMONS AS A PROPER SERVICE, WHEN I PLACED A COPY OF BOTH INTO THE UNITED STATES MAIL, SENT BY CERTIFIED MAIL, WITH RETURN RECEIPT MAILED BACK TO THE CLERKS OFFICE, OF THE UNITED STATES DISTRICT COURT. UPON THE RECEIVING OF THIS RECEIPT, AS DONE ACCORDING TO THE FEDERAL RULES OF COURT RULE 3, 4, 5, THIS IS ONE OF THE THREE ACCEPTABLE METHODS, AS SET BY THE FEDERAL GOVERNMENT IN THE "DUE PROCESS OF LAW."
2. WHEN THE TIME ALLOWED ( 20 DAYS FROM 06 -13- 2007) ON THE SUMMONS PASSED AND NO ANSWER RECEIVED FROM THE DEFENDANT, I . PRECEDED IN FILING A MOTION FOR DEFAULT AND DEFAULT JUDGMENT, AS REQUIRED. THE SUMMONS HAS A REQUIREMENT FOR THE CLERK OF THE COURT TO FILE DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANT IF NOT ANSWERED WITHIN THE REQUIRED TIME, AND ALL JUDGMENT REQUIREMENTS ARE TO BE GRANTED AS ASKED FOR IN THE COMPLAINT. SO FOR THIS COURT DON'T PRACTICE 'THE GUARANTEED DUE PROCESS OF LAW. THE COMPLAINT FILED AGAINST THE DEFENDANT, THAT AN ACTION HAS COMMENCED AGAINST

HIM IN COURT , AND HE IS REQUIRED TO APPEAR WITH AN WRITTEN ANSWER ON A GIVEN DAY, WITH AN ANSWER RETURNED TO THE CLERK OF THE COURT, AS REQUIRED IN THIS FOREGOING ACTION. Dell 56 misc. 2d, 1017, 290, N. Y. S. 2d, 287, 289, Fed. R. Civil P. 4 (a).

3. IN PLACE OF ABIDING BY THE RULES OF COURT OR THE DUE PROCESS OF LAW, THE JUDGE TOOK ON THE ROLE OF PLAYING ATTORNEY, AND JUDGE, FOR THE DEFENDANT, TRYING EVERY STALLING METHOD POSSIBLE, USING DIFFERENT RULES TO ARGUE HIS POINTS WITH, TRYING TO CHANGE THE DEFENDANTS AS ORIGINALLY NAMED IN THE COMPLAINT. LIKE IN DOCUMENT 13 -1, FIRST PAGE, AND FOOTNOTES, WHERE HE TRIED TO ADD TALLAPOOSA COUNTY DISTRICT ATTORNEY OFFICE AS ONE OF THE DEFENDANTS, AND HAS TRIED FROM THE BEGINNING OF THIS CASE TO REMOVE THE TALLAPOOSA COUNTY SHERIFF DEPARTMENT, GIVING ALL KIND OF EXCUSES, IN ALABAMA LAWS AND FEDERAL LAWS, NOT WILLING TO ACCEPT THE 11<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION AS THE DOMINATING LAW ON THIS SUBJECT. WHERE ANY CITIZEN OF THIS STATE CAN SUE AND BE SUED BY ANY OTHER CITIZEN FROM THIS STATE. THESE GUARANTEED FEDERAL LAWS HAVE BEEN PUT IN PLACE TO PROTECT THE PRIVATE CITIZEN FROM ILLEGAL ACTION, AND NO COURT OR JUDGE CAN CHANGE THIS. PROCESS

4. MOTION FOR ME TO APPEAR IN FORMA PAUPERS, THIS GUARANTEED BY THE UNITED STATES CONSTITUTION WAS ALSO DENIED

IN MANY OF THE CASES I HAVE FILED. THIS RIGHT FOR EVERY CITIZEN TO APPEAR IN FORMA PAUPERS IN ANY COURT IN THE UNITED STATES IS A GUARANTEED CONSTITUTION RIGHT AS FOUND IN FED. R. App. P. 28-39, 48, 59 U. S. C. With no fees, cost, or giving security in any form, therefore added on. May V:Williams 17 Al. 23, (1849).. NO COURT OR JUDGE HAS THE AUTHORITY TO DENY ANY GUARANTEED CONSTITUTION RIGHT. AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES. THESE GUARANTEED RIGHTS ARE ESTABLISHED LAWS , DOMINATING BY THE CONSTITUTION , WITH PRESTIGE OVER ALL OTHER LAWS, AND ARE NON - DEBATABLE.

5. MOTION TO USE THE APPENDIX SYSTEM, AS SO GIVEN IN RULE 34 (A) & R. App. P. 30.. WAS ALSO DENIED MANY TIMES, AGAIN DENYING MY CONSTITUTIONAL RIGHTS.

6. USING THE WORD, **DENIED**, ON EVERY ORDER THAT CARRIES A GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION, SHOWS NO RESPECT FOR INDIVIDUALS GUARANTEED RIGHTS AND BREAKING THE OATH OF OFFICE AND PERJURY. Trinity Episcopal Corp. V: Rodney W. D. C. N. Y. 347 F. Supp. 10444, 1084..

7. THE RIGHT TO BE HEARD IN ANY COURT IN THIS LAND, AND ALL ISSUES MUST BE SETTLED THAT IS INVOLVED IN THIS CASE. Botanic V: Beckon Dickinson & Co. 486, U. S. 196, 201, 108, S. Ct. 1717, 1772, 100 L. E. D. 2d,178., (1988). Lachine V: Duffy's Draft House, inc. 146, F. 3d,832, 817, (11<sup>th</sup> Cir.1980), Fed. R. Civil P. 56..

8. REQUIRING A BRIEF FROM PLAINTIFF, AND NOT REQUIRING AN ANSWER FROM THE DEFENDANT, DENIES ANY GUARANTEED DUE PROCESS OF LAW, AS FOUND IN THE UNITED STATES CONSTITUTION. THIS IS ANOTHER ILLEGAL MOVE BY THIS COURT, TO PLAY THE ROLE OF DEFENDANTS ATTORNEY AND JUDGE. THIS ILLEGAL MOVE MAKES IT VERY HARD FOR THE PLAINTIFF TO PROPERLY PREPARE ANY BRIEF..

**AUTHORITY:**

I HAVE CHOSEN TO MANAGE MY OWN CASE, AS THE GIVEN RIGHT TO EVERY CITIZEN IN THE UNITED STATES, THAT EVERYONE HAS THE GUARANTEED CONSTITUTIONAL RIGHT, TO **REPRESENT THEM SELF IN ANY CASE , AND IN ANY COURT IN THIS LAND.** Code 1852, s/s 737, Code 1867, s/s 871, Code 1876, s/s 790, Code 1886, s/s 863, Code 1896, s/s 589, Code 1907, s/s 2981, Code 1923, s/s 6246, Code 1940 T. 46, s/s 41..

A STATE CANNOT, EXCLUDE A PERSON FROM THE PRACTICE OF LAW OR FROM ANY OTHER OCCUPATION, IN A MATTER OR FOR REASONS THAT CONTRAVENE THE DUE PROCESS OF OR EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT.. 535, U. S. At; 238 - 239. 77 S. Ct. At; 756..

THE PRINCIPAL AUTHORITY AS A REASONABLY PRUDENT MAN USING DILIGENCE AND DISCRETION PRINCIPALS, USUALLY INCLUDES WHAT EVER IS NECESSARY IN CARRYING OUT AND PROTECTING THE DUE PROCESS OF LAW AS FOUND IN THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION, AND AGAIN IN THE 14<sup>th</sup> AMENDMENT, WHICH PROTECTS A PERSON FROM STATE

ACTIONS, WHERE THE PERSON IS GUARANTEED FAIR PROCEDURES AND SUBSTANTIVE, UNDER SAFEGUARD FOR THE PROTECTION OF INDIVIDUALS RIGHTS, AS ESTABLISHED IN OUR SYSTEM OF JURISPRUDENCE FOR THE ENFORCEMENT AND PROTECTION OF PRIVATE RIGHTS.

**SERVICE:**

A PRECEPT IN WRITING USUALLY IN THE FORM OF A LETTER, THAT REQUIRES AN ANSWER AT THE COMMENCEMENT OF A LAW SUIT, REQUIRING THE PERFORMANCE OF A SPECIFIED ACT GIVING AUTHORITY TO HAVE IT DONE, IN A SPECIFIED TIME. THE EXHIBITION OR DELIVERY OF A SUMMONS, WRIT, COMPLAINT, NOTICE OR ORDER AS GIVEN BY AN AUTHORIZED PERSON, TO A PERSON WHO IS HEREBY NOTIFIED WITH A REASONABLE NOTICE TO DEFENDANT, OF PROCEEDINGS TO APPEAR AND BE HEARD, IS MADE IN THE FOLLOWING REQUIRED MANNER;

- A. TO ANY AUTHORIZED OFFICER OF THE LAW, YOU ARE HEREBY REQUIRED TO HAND DELIVER THIS SUMMONS AND COMPLAINT, TO THE PERSON LISTED HERE.
- B. BY PLACING IN THE UNITED STATES MAIL, SENT CERTIFIED WITH RECEIPT RETURNED BACK TO CLERKS OFFICE,
- C. HAVING THIS PUBLISHED IN THE LOCAL NEWS PAPER.

THESE METHODS ARE THE ONLY WAY OF SERVICE AS FOUND IN, FED. R. CIVIL P. 4 (e).. THIS FORM OF SERVICE FURNISHES THE DEFENDANT A REASONABLE NOTICE OF THE FOLLOWING PROCEEDINGS FILED AGAINST HIM

AND GIVES HIM SUFFICIENT OPPORTUNITY TO APPEAR AND BE HEARD OR TO FORBEAR THE RESULTS, BY ANSWERING THE DEFAULT AND DEFAULT JUDGMENT FILED AGAINST HIM, THAT REQUIRES A JUDGMENT ASKING FOR ALL RELIEF AS FILED IN THE COMPLAINT... Chemical Specialties Sales Corp. Industrial Division V: Basic Inc. D. C . Conn. 296 F. Supp. 1106, 1107, Fed. R. Civil P. 4; Fed. R. Crim. P. 4, 49..

A CIVIL SUMMONS AND COMPLAINT WAS MAILED TO EVERY DEFENDANT LISTED IN THIS COMPLAINT, WITH NO EXCEPTIONS BY WAVER OR BY ANY ONE OTHER THAN THE PLAINTIFF. WITH ALL SERVICES MADE IN AND ACCORDING TO THE ABOVE FEDERAL RULES OF CIVIL PROCEDURES. THEREFORE SERVICE CANNOT BE USED AS A MEANS OF DISMISSAL. ANY PART OF RULE 28 USED TO DENY MY GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION, MY RIGHT TO BE HEARD IN ANY COURT IN THIS LAND, IS ILLEGAL AND THE ONE USES THIS BACK DOOR METHOD IS ALSO GUILTY OF BREAKING THE OATH OF OFFICE AND PERJURY, SHOULD CARRY THE SAME PUNISHMENT AS ANY OTHER PERSON THAT COMMITS A FELONY..

THE CLERK OF THE COURT DID NOT ABIDE BY THE LAWS GOVERNING THE DUE PROCESS WHERE HE INTENTIONALLY NEGLIGENCE OF HIS DUTY, INTENTIONAL FRAUD BY DECEIVING ANOTHER BY NOT ACTING UPON, CHEATING, CUNNING, BY CONCEALMENT OF HIS DUTY AS THE CLERK, WHERE HE IS REQUIRED BY LAW, ( NOT ANY COURT ORDER OR BY ANY JUDGE, BUT ESTABLISHED LAWS), TO ENTER DEFAULT AND DEFAULT JUDGMENT AGAINST

THE DEFENDANTS AS COVERED IN FEDERAL RULE 55. THIS OVER RIDES ANY COURT ORDERS THAT MAY DENY OR DISMISS THIS MOTION, FOR DEFAULT AND DEFAULT JUDGMENT. THIS IS ANOTHER PART OF THE GUARANTEED DUE PROCESS, THAT NO COURT OR JUDGE CAN CHANGE OR HAS ANY AUTHORITY OVER ALL OF THIS DENIAL AND NEVER ACTED UPON BY THE CLERK, MAKES THIS WRONGFUL ACT OF OMISSION EMBRACES THE DISHONESTY CARRIED OUT BY THE CLERK. Greco V: Kresge Co. 277, N. Y. 26, 12, N. E. 2d, 557,562.. Hilkert V: Cannung 58, Arz. 290, 119, P. 2d, 233, 2366.. .

**JURISDICTION:**

THE UNITED STATES CONSTITUTION SET UP DISTRICT COURTS FOR LOCAL CASES TO BE HEARD, IN THE PROPER JURISDICTION, AND FEDERAL DISTRICT COURTS FOR TRIALS INVOLVING CONSTITUTION RIGHTS AND FEDERAL QUESTIONS, AS GIVEN IN RULE 28 U. S. C. A. 81 s/s, et, seq, TO BE PROPERLY USED FOR DIRECTIONS AND NOT TO DENY OR BLOCK ANY GUARANTEED DUE PROCESS OF LAW, AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES.

WHEN ANY RULE OF LAW IS COVERED IN THE GUARANTEED DUE PROCESS AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES, COVERING THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, WHERE THIS CONCEPT OF THE DUE PROCESS OF LAW, IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION, AND HAS PRESTIGE OVER ANY OTHER RULE OF LAW, COURT ORDERS, OR JUDGES THAT ATTEMPT TO IGNORE THIS PRE -ESTABLISHED, LAW, THAT LEAVES HIM WITH NO GROUND TO CHANGE OR IGNORE.. .

U. S. V: Smith D. C. Iowa, 249 Supp. 515, 516..

THE RIGHT AND POWER OF A COURT TO ADJUDICATE OVER ANY CASE AND FOLLOW TO THE END, THE SUBJECT MATTER MUST CONCERN THE GIVEN SUBJECT INVOLVED IN THAT CASE. Bidinger V: Fletcher 234, Ga. 501, 162, S. E. 2d, 414, 416. IT IS THE AUTHORITY BY WHICH COURTS AND JUDICIAL OFFERS TAKE COGNIZANCE OF AND DECIDE CASES.. Board of Trustees of Firemen's Relief and Pension Funds of the City of Marietta V: Brooks, 179, Okl., 600, 67, P. 2d, 4, 6, State V: True Me. 330, A. 2d, 787, IT EXIST ONLY, WHEN COURT HAS COGNIZANCE OF CLASS OF CASES INVOLVING BOTH PARTIES ARE PRESENT, AND POINTS TO BE DECIDED IS WITHIN THE PROPER POWER OF THE COURT.. United Cemeteries Co. V: Strother, 342, Mo. 1155, 119, S. W. 2d, 762, 765.. Harder V: Johnson, 147 Kan, 440, 76 P. 2d, 763, 764... In re De Camillis' Estate, 66, Mic. 2d, 882, 322, N. Y. S. 2d, 551, 556.. THE RIGHT AND POWER FOR A COURT TO ADJUDICATE CONCERNING THE SUBJECT MATTER IN ANY GIVEN CASE; Bidinger V: Fletcher 224, Ga. 501, 162, S. E. 2d, 414, 416... THESE FACTS MUST EXIST BEFORE THE COURT CAN TAKE JURISDICTION OF ANY PARTICULAR CASE;

- A. THE DEFENDANT HAS TO BE SERVED ACCORDING TO THE DUE PROCESS OF LAW, AS GIVEN IN FEDERAL RULE 3, 4, 5, OF THE CODE OF CIVIL PROCEDURES.
- B. THE AMOUNT OF CONTROVERSY MUST EXCEED A CERTAIN SUM,
- C. AND THE PARTIES ARE CITIZENS OF THE UNITED STATES OF AMERICA.

Nobel V: Union River Logging Railroad Co. 147, U. S. 165, 13, S. Ct. 271, 37, L., Ed, 123..

AS BASED UPON THE MONETARY VALUE AND SUBJECT MATTER,  
INVOLVED IN THIS ACTION. FED. R. CIVIL P. 12 (B) (1) 92)..

A CLAIM SHALL CONTAIN A SHORT AND PLAIN STATEMENT OF THE GROUNDS UPON WHICH THE COURTS JURISDICTION DEPENDS. LIKE THE ONE I MADE ON THE FIRST PAGE OF MY ORIGINAL COMPLAINT, 'THIS COMPLAINT IS FILED AGAINST THE DEFENDANTS, ABOVE THAT IS INVOLVED IN DESTROYING MY CONSTITUTIONAL RIGHTS, AS AN AMERICAN CITIZEN,"..THIS STATEMENT IS SO PLAIN EVEN ANY CHILD COULD UNDERSTAND. THIS CLAIM NEEDS NO NEW GROUNG TO SUPPORT IT, FOR THIS IS COVERED IN THE GUARANTEED RIGHTS OF THE UNITED STATES CONSTITUTION, AND IS NON - DEBATABLE.

THE LEGAL POWERS OF THIS COURT TO RENDER A JUST DECISION AND PERSONAL JUDGMENT AGAINST THE DEFENDANT, IN THIS ACTION OR PROCEEDINGS ARE FOUND IN; IMPERIAL v: Hardy La. 302, So. 2d, 05, 07.. THE ONLY LEGAL POWERS LEFT IN THIS CASE FOR THIS COURT TO DECIDE, IS TO ENFORCE THE REQUIRED DEFAULT AND DEFAULT JUDGMENT, FILED AGAINST THE DEFENDANT IN THIS CASE. WHERE JURISDICTION IS THE POWER INTRODUCED FOR THE PUBLIC GOOD, OR FOR THE ACCOUNT OF DISPENSING FAIR JUSTICE TO ALL CITIZENS, JURISDICTION IS NOT LIMITED TO SUBJECT MATTER ONLY, OR THE AMOUNT SOUGHT FOR IN THE LITIGATION, BUT FACTS MUST EXIST( AS GIVEN ABOVE IN A, B, C,), FOR THE FEDERAL COURT TO

HAVE PROPER JURISDICTION ON ANY PARTICULAR CASE..

**COST OF ACTION:**

THE LEGAL TERM FOR COST OF ANY COURT ACTION, IS COVERED UNDER MY GUARANTEED RIGHT BY THE UNITED STATES CONSTITUTION, THAT EVERY CITIZEN, HAS THE RIGHT TO APPEAR IN **FORMA PAUPERIS**, AS GIVEN IN FEDERAL RULE APP. P. 39, WITH NO FEES, COST, OR GIVING SECURITY IN ANY FORM OR OTHER RESTRICTIONS THEREFORE ADDED ON. FEDERAL RULE 28 - 39, U. S. C. May V: Williams 17 Al 23, (1849). WITH THIS BEING A PART OF THE GUARANTEED DUE PROCESS OF LAW, AS FOUND IN THE UNITED STATES CONSTITUTION, NO COURT OR JUDGE HAS THE AUTHORITY TO DENY OR USE THIS IN ANY FORM IN PREVENTING ANY CASE FROM PRECEDING IN ANY COURT..

**CAUSE OF ACTION:**

**THE RIGHT WHICH A PARTY HAS TO INSTITUTE A JUDICIAL PROCEEDINGS, THE LEGAL EFFECT OF AN OCCURRENCE IN TERMS OF REDRESS TO A PARTY TO THE OCCURRENCE, A SITUATION OR STATE OF FACTS WHICH WOULD ENTITLE A PARTY TO SUSTAIN LEGAL ACTION AND GIVE HIM RIGHT TO DEMAND A JUDICIAL REMEDY IN HIS BEHALF.. Thompson V: Zurich Ins. Co. D. C. Minn.309 F. Supp. 1178, 1181.. THE UNLAWFUL INVASION OF ANOTHER PERSONS RIGHTS..**

THE FIRST PAGE OF MY COMPLAINT STATED, IN THE MIDDLE OF THE

**PAGE IN LARGE BOLD BLACK LETTERS, "THIS COMPLAINT IS FILED  
AGAINST THE DEFENDANTS ABOVE THAT IS INVOLVED IN  
DESTROYING MY CONSTITUTIONAL RIGHTS AS AN  
AMERICAN CITIZEN.**

THIS COMPLAINT IS SO SHORT AND SIMPLE THAT MY SEVEN YEAR OLD  
GRAND DAUGHTER UNDERSTANDS.

THE GUARANTEED CONSTITUTIONAL RIGHT FOR A SPEEDY TRIAL, IS  
GIVEN IN FEDERAL ACT OF 1974, SET OUT AND ESTABLISHED TIME LIMITS ON  
ALL EVENTS THAT ARE CARRIED OUT IN THE JUDICIAL SYSTEM, AS SO PLACED  
ON THE SHORT TERM CALENDAR SO AS TO ASSURE A SPEEDY TRIAL THE 7<sup>th</sup>  
AMENDMENT OF THE UNITED STATES CONSTITUTION REQUIRES A TRIAL BY AN  
IMPARTIAL JURY, EITHER CIVIL OR CRIMINAL, ON ALL ISSUES BETWEEN THE  
PARTIES, WHETHER THEY BE ISSUES OF LAW OR FACTS, WITH NO RESTRAINTS,  
ILLEGAL COST ADDED ON, BEFORE A COURT THAT HAS PROPER JURISDICTIONS.

Fed. R. Civil P. 38 (a), 48, 59, Fed R. Crim. P. 23, 33..

THIS GUARANTEED RIGHT FOR ALL ISSUES BETWEEN THE PARTIES,  
WHETHER ISSUES OF LAW OR FACTS MUST BE SETTLED, WITH BOTH PARTIES  
PRESENT, OR REPRESENTED BY COUNSEL, (DOES NOT MEAN THAT THE JUDGE  
CAN ACT AS TH DEFENDANTS COUNSEL), AND ALL ISSUES SETTLED.  
WHEN ANY RULE OF LAW IS COVERED BY THE GUARANTEED DUE  
PROCESS, AS GIVEN IN THE CONSTITUTION OF THE UNITED STATES, COVERING

THE RIGHT FOR EVERY CITIZEN TO BE HEARD AND HAVE THEIR DAY IN COURT, THIS CONCEPT IS EMBODIED IN THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION, WHERE NO JUDGE, COURT ORDERS, OR ANY FORM OF DENYING AND AVOIDING THIS GUARANTEED RIGHT CAN BE DESTROYED. U.S. V: Smith D. C. Iowa, 249 App. Supp, 515, 516.

ANY ACTION FILED IN ANY COURT IS NOT MERELY TO COMMENCE OF BUT MUST FOLLOW IT TO AN ULTIMATE CONCLUSION, BEFORE A TRIBUNAL, FOR THE PURPOSE OF DETERMINING THE GUILTY OR INNOCENCE OF THE PERSON(S) THAT IS CHARGED WITH THE CRIME.. U. S. V ; Reisinger 128, U. S. 396, 9, S. Ct. 99, 32, L. E. D. 480.

THE PAPER TRAIL LEFT BEHIND FROM THE CASES THAT I HAVE BEEN INVOLVED IN, IS EVIDENCE OF THE DENIAL AND DESTROYING MY GUARANTEED CONSTITUTIONAL RIGHTS, AS SET UP BY OUR GOVERNMENT, FOR THE PROTECTION OF EVERY CITIZEN IN AMERICA.

ANY FORM OF DENIAL BY ANY COURT, OF ANY INDIVIDUALS GUARANTEED DUE PROCESS OF LAW, BREAKS THE CONSTITUTION RIGHTS AS SET OUT IN THE UNITED STATES CONSTITUTION FOR THE PROTECTION OF IT'S CITIZENS AND ARE RESTRAINTS PLACED UPON THE GOVERNMENT, TO KEEP IN CHECK, TO RESTRICT, HOLD BACK FROM ADVANCING PROCEEDINGS, TO PROTECT EVERY INDIVIDUALS RIGHTS.

THE TERM MALICIOUS, IS DESCRIBED, AS WILFULLY MISAPPLYING COURT PROCESS TO OBTAIN OBJECTS NOT INTENDED BY LAW. WITH THIS DEFINITION

AS FOUND IN THE "BLACKS LAW DICTIONARY", MAKES THE USING OF THIS ANOTHER ILLEGAL EXCUSE TO DENY MY DUE PROCESS OF LAW, AS GIVEN IN THE UNITED STATES CONSTITUTION. THE CONSTITUTION OF THE UNITED STATES GIVES EVERY CITIZEN THE RIGHT TO BE HEARD IN ANY COURT, NO JUDGE, COURT ORDERS, OR ANY FORM OF AUTHORITY HAS BEEN GIVEN ANY POWER TO ABUSE, DENY, OR FAIL TO FOLLOW THIS DUE PROCESS OF LAW.

**FACTS OR EVIDENCE:**

1. WHEN I FILED A WILL IN THE PROBATE COURT IN TALLAPOOSA COUNTY, THE PROBATE JUDGE SET ON THIS FOR OVER TWO YEARS, THEN I FILED AN APPEAL TO THE CIRCUIT COURT IN TALLAPOOSA COUNTY, AND SEVERAL MONTHS LATER I RECEIVED A NOTICE FROM THE CLERKS OFFICE, THAT THE APPEAL WAS DENIED FOR NON - PAYMENT. I WAS NEVER NOTIFIED THAT I HAD OWED THEM ANYTHING. HERE THE COUNTY BEGIN THE SERIES OF ILLEGAL PROCESS OF LAW AND CONSTITUTION VIOLATIONS, LIKE THE RIGHT FOR A SPEEDY TRIAL, THE 7<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION GUARANTEES A TRIAL BY AN IMPARTIAL JURY, EITHER CIVIL OR CRIMINAL ON ALL ISSUES BETWEEN THE PARTIES, WHETHER THEY BE ISSUES OF LAW OR FACTS .ACT of 1974, 18 U. S. C. s/s 3161 (8); THIS ISSUE HAS BEEN GOING ON FOR OVER FIVE YEARS AND NEVER SETTLED..

2. DENYING MY RIGHT TO APPEAL, IS A GUARANTEED RIGHT TO APPEAL ANY AND ALL DECISIONS MADE IN A LOWER COURT, WITHOUT ANY FORM OF FEES, COST, BOND, OR GIVING ANY FORM OF SECURITY, ADDED ON, NO

RESTRAINTS. ADDED ON.. Fed Rule App 28 - 38, 48, 59, Fed. R. Crim. P. 23 - 33.

3. THE RIGHT TO BE HEARD IN ANY COURT IN THIS LAND, AND ALL ISSUES MUST BE SETTLED THAT IS INVOLVED WITH THIS CASE. Botanic V: Beckon Dickinson & Co. 486, U. S. 196, 201, 108, S. Ct. 1717, 1772, 100 L. E. D. 2d, 178, (1988), Lachine V: Duffy's Draft House, Inc. 146 F. 3d, 832, 817, (11<sup>th</sup> Cir. 1980), Fed. R. Civil P. 56.

4. THE LEGAL TERM FOR COST OF ANY COURT ACTION, GIVES EVERY CITIZEN THE RIGHT TO APPEAL, WITH NO FEES, COST, OR GIVING SECURITY IN ANY FORM THERE OF, OR ANY OTHER FORM OF RESTRICTIONS, THIS RIGHT IS A GUARANTEED DUE PROCESS OF LAW, COVERED BY THE UNITED STATES CONSTITUTION, THAT NO JUDGE CAN DENY, COURT ORDER OR ANY OTHER FORM OF OMISSION. FEDERAL RULE 28 - 39, U. S. C. May V: Williams 17, Al. 23, (1849)..

5. WHEN A PREJUDICIAL ERROR OCCURS IN ANY COURT, THE PLAINTIFF HAS OBLIGATIONS, LEGAL RIGHTS, AND GROUNDS FOR A NEW TRIAL, OR REVERSAL OF JUDGMENT WHICH MAY AFFECT OR PRESUMPTIVELY AFFECT ANY THREAT TO WHAT HAS BEEN TERMED AN ACCUSED SIGNIFICANT STAKE, PSYCHOLOGICAL, PHYSICAL, AND FINANCIAL, IN THE PROCESS WHICH MAY ULTIMATELY DEPRIVE HIM OF LIFE LIBERTY, PROPERTY, OR PRECEPT OF HAPPINESS. U.S. Dryer, C. A. N. J. 533, Fed. 2d, 112, 115. A PREJUDICIAL ERROR AFFECTS THE PLAINTIFFS LEGAL RIGHTS AND OBLIGATIONS. Erskine V: Upham, 56 Cal. App. 2d, 235, 132, P. 2d, 219, 228. Trepanier V: Standard Min. & Mill Co. 58, Wyo.

29, 123, P. 2d, 378, 380.. SUCH ACTION IN ANY CIVIL OR CRIMINAL CASE WOULD RESULT IN GROUNDS FOR A NEW TRIAL OR REVERSAL OF JUDGMENT. Fed. R. Civil P. 59. A PREJUDICIAL ERROR IS ONE WHICH EFFECTS THE FINAL RESULTS OF THE TRIAL. State V: Gilcrist 15 Was. App. 892 P. 2d, 690, 693. Sheppard V: Maxwell 384, U. S. 333, 86, S. Ct. 1507, 16, L. E. D. ,2d, 600..

6. ALL THE TIMES I REPORTED TO THE TALLAPOOSA COUNTY SHERIFF OFFICE, ABOUT THE ILLEGAL BREAK -INS, STEALING, DAMAGES DONE TO MY HOUSE AND PROPERTY, THAT MY NEPHEW, (MIKE COGGINS), WAS MAKING, THEY NEVER MADE ANY EFFORT TO STOP HIM. THERE WERE NEVER ANY INVESTIGATIONS MADE AS TO THE ACTUAL PROPERTY OWNER ( BY TRUE DEED), OR ANY OTHER WRITTEN DOCUMENT. AFTER TRYING TO HAVE THE SHERIFF OFFICE TO STOP THIS ILLEGAL DAMAGES, (DOZEN OF TIMES), BEING DONE TO MY HOUSE, AFTER TELLING MIKE MANY TIMES TO STAY OFF OF THIS PROPERTY, WITH NO RESULTS. ONE THURSDAY, I WENT BY TO CHECK ON THE HOUSE, AND MIKE HAD REMOVED THE OUTSIDE DOORS AND STOLE MANY THINGS FROM THE HOUSE. THEY SENT A DEPUTY OUT AND MADE PICTURES, WITH NO RESULTS OR ANY ACTION TAKEN. WHEN I WENT BY THE SHERIFF OFFICE TO MAKE OUT ANOTHER REPORT. AND TRIED TO SWEAR OUT ANOTHER WARRANT WITH NOTHING DONE,. BEFORE LEAVING, THE SHERIFF CAME OUT AND TOLD ME THAT JACKSON'S GAP POLICE DEPARTMENT HAD A WARRANT OUT FOR MY ARREST, I. WAS PLACED IN JAIL AND ABOUT TWO HOURS LATER THE JACKSON'S GAP, POLICE OFFICER CAME IN AND MADE OUT THE ARREST

WARRANT AGAINST ME FOR DOMESTIC VIOLENCE AND MENACING. HERE AGAIN THE TALLAPOOSA COUNTY SHERIFF DEPARTMENT VIOLATED MY GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION..IN AMENDMENT NO. FIVE, NO PERSON SHALL BE HELD TO ANSWER FOR ANY CRIME OR OTHER WISE, ANY INFAMOUS CRIME, UNLESS AN INDICTMENT HAS BEEN ISSUED BY A GRAND JURY. NO CITY, COUNTY, OR STATE CAN CHANGE THIS OR CREATE THEIR OWN METHODS, LIKE ABOVE BY PLACING IN JAIL FIRST BEFORE THE WARRANT HAD BEEN SERVED, HOLDING ANYONE FOR TWELVE HOURS IN JAIL BEFORE ANY INDICTMENT. WHERE THERE ARE UNEDUCATED PEOPLE PLACED IN PUBLIC OFFICES, MAKING THIS KIND OF ARREST AND FILING CHARGES AGAINST LOCAL RESIDENTS THAT HAVE A TRUE DEED TO THIS PROPERTY AND TRYING TO DO THE JOB OF KEEPING TRESPASSERS FROM DESTROYING PRIVATE PROPERTY, THEY ARE REQUIRED BY THEIR OATH OF OFFICE TO PROTECT, BUT INSTEAD THE SHERIFF CHOOSES TO SUPPORT A LIFE TIME CRIMINAL, DRUG PUSHER, DOPE ADDICT, THAT STEALS AND DESTROYS EVERY THING HE CAN, TO SUPPORT HIM AND HIS HABITS. . . .

7. WHEN I HAD A WARRANT SWORN OUT FOR MIKE COGGINS, FOR STEALING AND DESTRUCTION OF PRIVATE PROPERTY, IT WAS NEVER SERVED. AGAIN THE TALLAPOOSA COUNTY SHERIFF DEPARTMENT DENIES ANY ONE ANY GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION. AMENDMENT NO 4 IN THE UNITED STATES CONSTITUTION, STATES"THAT EVERY CITIZEN HAS THE RIGHT TO BE SECURE IN THEIR OWN

HOUSES, PAPERS, AND OTHER EFFECTS AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED AND NO WARRANT SHALL BE ISSUED, BUT UPON PROBABLE CAUSE.. THIS HAS BECOME A REGULAR THING WITH THE ABOVE DEFENDANTS, FOR THEY DON'T BELIEVE IN THE GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION, OR ANY FEDERAL LAW THAT MAY APPLY TO THEM, THEY HAVE THE ATTITUDE PROBLEM, THAT THEY CAN DO NO WRONG AND THEY HAVE THE RIGHT TO DECIDE WHAT LAWS THEY WANT TO USE AND TO WHOM THEY CHOOSE TO APPLY THEM TO.

OTHER EVIDENCE CAN BE FOUND IN THE CASES I FILED AND HAVE HAD FILED AGAINST ME IN TALLAPOOS COUNTY. THE APPEAL TO THE FEDERAL DISTRICT COURT CAN BE FOUND IN THE CLERKS OFFICE IN THE UNITED STATES DISTRICT COURT IN MONTGOMERY, ALABAMA .

WHEN ALL OF THESE COURT RECORDS ARE PRESENTED THIS CONCLUSIVE EVIDENCE, BEARS OUT THE FACTS OF MY CLAIM AGAINST THE DENYING AND DESTROYING MY CONSTITUTION RIGHTS. THIS CONCRETE EVIDENCE PROVIDES THE MATERIAL NEEDED FOR THE JUDGMENT REQUESTED IN MY ORIGINAL COMPLAINT, THAT STATES, THIS COMPLAINT IS FILED AGAINST THE DEFENDANTS, ABOVE THAT IS INVOLVED IN DESTROYING MY CONSTITUTIONAL RIGHTS, AS AN AMERICAN CITIZEN. AL OF THIS BRIEF DESCRIBES THIS AS THE ILLEGAL METHODS, THE DEFENDANTS USED IN

DENYING ME MY GUARANTEED RIGHTS. THIS MEANS SANCTIONED BY LAW OF ASCERTAINING IN A JUDICIAL PROCEEDING RESPECTING OF THE TRUTH. .

THE OATH OF OFFICE BINDS THAT PARTY WHEN THEY ASSUME, OR IS CHARGED WITH THAT OFFICE, HEREBY DECLARING THAT THEY WILL FAITHFULLY AND TRUTHFULLY, DISCHARGE THE DUTIES OF THAT OFFICE AND UP - HOLD ALL THE LAWS EQUALLY, AS SO GIVEN IN THE CONSTITUTION OF THE UNITED STATES OF AMERICA, AND STATUES THAT MAY APPLY TO THAT PARTICULAR CASE. ART. VI, U. S. CONSTITUTION. THAT THIS ATTESTATION OR PROMISE IS UNDER A IMMEDIATE SENSE OF RESPONSIBILITY TO GOD. WHERE ONE WILLFULLY ASSERTS UNTRUE STATEMENTS ARE PUNISHABLE FOR PERJURY AND GUILTY OF A FELONY, BY BREAKING THIS OATH OF OFFICE.

ART. II Sec. I U. S. Const. Vaughn V: State 146, Tex. Cr. R. 585, 177, S. W. 2d, 59, 60..

ANY ACTION FILED IN COURT IS NOT MERELY TO COMMENCE OF, BUT MUST FOLLOW IT TO AN ULTIMATE CONCLUSION, BEFORE A TRIBUNAL, FOR THE PURPOSE OF DETERMINING THE GUILTY OR INNOCENCE OF THE PERSON THAT IS CHARGED WITH THE CRIME.. U.S. V: Reisinger 128, U. S. 396, 9, S. CT.99, 32, L. E. D. 480..

UNDER THE FEDERAL RULES OF COURT, 3. 4..5, THE GUARANTEED DUE PROCESS OF LAW, AT THE BEGINNING OF ANY ACTION THE COMPLAINT AND SUMMONS MUST BE FILED WITH THE CLERK OF THAT COURT AND DATE GIVEN FOR THE TIME THAT THE ANSWER MUST BE RECEIVED OR THE DEFENDANT HAS TO BARE THE FOREGOING RESULTS, AS ASKED FOR IN THE COMPLAINT. WHEN

THE ANSWER IS NOT RECEIVED WITHIN THE REQUIRED TIME LIMIT, AS GIVEN ON THE SUMMONS, DEFAULT AND DEFAULT JUDGMENT MUST BE ENTERED AGAINST THEM.. THE DEFENDANTS WERE PROPERLY SERVED BY CERTIFIED MAIL, WITH RECEIPT RETURNED BACK TO THE CLERKS OFFICE, AS REQUIRED AS ONE OF THE PROPER METHODS OF SERVICE, IN THE FEDERAL RULES OF CIVIL PROCEDURES.. THE PROCESS THAT LEADS UP TO THE FILING OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANTS WAS SET UP UNDER THE DUE PROCESS OF LAW AS ESTABLISHED IN THE GUARANTEED RIGHTS OF THE UNITED STATES CONSTITUTION, THIS GIVES NO COURT OR JUDGE THE RIGHT TO USE ANY FORM OF DENIED, PLACE ANY RESTRICTIONS UPON ANY FORM OR USING ANY OTHER RULE OF LAW IMPROPER OR ILLEGAL, BECAUSE OF THIS GUARANTEED PROCESS.. WHEN THE DEFENDANTS FAILED TO ANSWER THE COMPLAINT IN THE SPECIFIED TIME, BY LAW, FEDERAL RULE NO. 55, THEY LOST ALL OF THEIR RIGHTS IN THIS CASE. WHEN DEFAULT AND DEFAULT JUDGMENT WAS PLACED AGAINST THEM, THE ONLY THING LEFT FOR THE COURT TO DO, IS DETERMINE THE CORRECT AMOUNT OF JUDGMENT REQUESTED AGAINST THEM. ALL OF THIS DENIAL AND NEVER ACTED UPON BY THE CLERK, MAKES THIS WRONGFUL ACT OF OMISSION EMBRACES THE DISHONESTY, OF PERFORMANCE, AS CARRIED OUT BY THE CLERK. Greco V: Kresege Co. 277 N. Y. 26, 12, N. E. 2d, 557, 562.. Hilkert V: Canning 58, Ariz. 290, 119, P. 2d, 233, 236..

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**WHERE ONE WILLFULLY ASSERTING UNTRUE STATEMENTS ARE  
PUNISHABLE FOR PERJURY AND ARE ALSO GUILTY OF A FELONY, BY  
BREAKING THIS OATH OF OFFICE.. ART. II Sec. I U. S. Const. Vaughn V: State  
146, Tex. Cr. R. 585, 177, S. W. 2d, 59, 60..**

**JUDGMENT AS FOUND IN THE ORIGINAL COMPLAINT:**

**JUDGMENT:**

1. **A FINE OF ONE MILLION DOLLARS, FOR EVERY DEFENDANT, FOR  
DESTROYING MY GUARANTEED CONSTITUTIONAL RIGHTS.**
2. **FOR FRAUD AND NEGLIGENCE CHARGES, ONE MILLION DOLLARS, PER  
DEFENDANT.**
3. **FOR ALLOWING MIKE COGGINS TO STORE HIS JUNK IN MY HOUSE AND ON  
MY PROPERTY, A FINE OF TEN THOUSAND DOLLARS (\$10,000.00), PER DAY,  
FROM DAY OF SERVICE, UNTIL REMOVED..**
4. **FOR CONVERGING AND PROTECTING A DRUG ADDICT AND THIEF, MIKE  
COGGINS, NOT PROVIDING PROTECTION TO PROPERTY OWNER, A FINE OF  
FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) PER DEFENDANT.**
5. **FOR MAKING ILLEGAL ARREST AND TIME I SPENT IN JAIL, ARRESTED  
BEFORE A WARRANT WAS SERVED, DENYING MY DUE PROCESS OF LAW, A  
FINE OF ONE MILLION DOLLARS.**
6. **IF ANY ADDITIONAL APPEALS HAVE TO BE MADE, THE TOTAL JUDGMENT  
IS TO BE TRIPLED, FOR EVER APPEAL.**

7. IF ANYONE INVOLVED IN THIS CASE, LIKE SHERIFF, INVESTIGATORS, OR CLERK , FAILS TO CARRY OUT THEIR REQUIRED DUTY, A FINE OF TEN THOUSAND DOLLARS PER DAY MUST BE ADDED.
8. FOR NOT ENFORCING THE PERMANENT RESTRAINING ORDER AGAINST MIKE COGGINS, AND THE ONE REQUIRED IN NOT ANSWERING THE COMPLAINT I FILED AGAINST HIM THAT RESULTED IN DEFAULT AND DEFAULT JUDGMENT BEING FILED AGAINST HIM, UNDER ALABAMA LAW, AS LISTED ON THE SUMMONS, EVERYTHING ASKED FOR IN THE COMPLAINT MUST BE GRANTED, A FINE OF TEN THOUSAND DOLLARS PER DAY FROM SERVICE, UNTIL FINAL..
9. FOR NOT SERVING THE WARRANT ON MIKE COGGINS, FOR STEALING, AND DESTRUCTION OF MY PROPERTY. THIS WAS REPORTED OVER 15 TIMES WITH NO RESULTS, THEREFORE AN ADDITIONAL THREE MILLION DOLLARS WOULD BE AN APPROPRIATE FINE. AGAIN DENYING MY GUARANTEED DUE PROCESS OF LAW  
THE SAME JUDGMENT APPLIES TO BOTH CIRCUIT CLERKS, FRANK LUCUS, CIRCUIT CLERK OF TALLAPOOSA COUNTY, AND THE CLERK OF THE UNITED STATES DISTRICT COURT, FOR NOT ABIDING BY THE LAWS THAT GOVERN THE FILING OF DEFAULT AND DEFAULT JUDGMENT, AS FOUND IN THE FEDERAL RULES 3, 4, 5, AND IN RULE 55.. WHEN DEFAULT AND DEFAULT HAS BEEN ENTERED AGAINST A DEFENDANT (s), BY THE PLAINTIFF, THE CLERK IS ORDERED BY GIVEN LAWS TO ENTER THIS AGAINST THE DEFENDANTS, AND

WHAT EVER JUDGMENT IS ASKED FOR IN THE ORIGINAL COMPLAINT, ALL MUST BE GRANTED. THIS WAS NEVER ACTED UPON BY THE CLERK, AS REQUIRED BY ESTABLISHED LAWS THAT GOVERN THIS PROCEDURE. AGAIN THIS IS A GIVEN LAW NOT TO BE DENIED BY ANY JUDGE, OR COURT, THIS WRONGFUL ACT OF OMISSION EMBRACES THE DISHONESTY CARRIED OUT BY THE CLERK.. Greco V: S. S. Kresge Co. 1777, N. Y. 26, 12, N. E. 2d, 557, 562.. Hilkert V: Canning 58 Ariz. 290, 119, P. 2d, 233, 236.. THE CLERKS ONLY ROLL IN ANY CASE IS TO KEEP THE PAPER WORK AND PROPERLY FILE THIS, AS REQUIRED BY LAW FOR THE COURT AS NEEDED. ANY OTHER PART THAT BREAKS THEIR OATH OF OFFICE, IS GUILTY OF A FELONY AND PERJURY, AND DESERVES THE SAME PUNISHMENT AS ANY OTHER CRIMINAL.. .

DUE TO THE TIME ALREADY KILLED IN THIS CASE, I AM WILLING TO MAKE A ONE TIME SETTLEMENT GOOD UNTIL AUGUST 30, 2007,, AGAINST THE DEFENDANTS AS FOLLOWING;

1. THE DEFENDANT TALLAPOOSA COUNTY, A FINE OF THREE MILLION DOLLARS( \$3,000,000.00), AND REMOVAL OF ANY AND ALL CHARGES MADE AGAINST ME IN TALLAPOOSA COUNTY COURT SYSTEM. POST A TEN MILLION DOLLAR BOND IN CIRCUIT COURT THAT I, (GENE COGGINS), CAN NEVER BE CHARGED WITH ANY DREAMED UP, OR FORM OF CHARGES FOR AS LONG AS I LIVE.

2. THE DEFENDANT, TALLAPOOSA COUNTY SHERIFF DEPARTMENT, A FINE OF FIVE MILLION DOLLARS, A COST OF \$10, 000. 00 A DAY FOR JUNK YOU HAVE

SUPPORTED MIKE COGGINS, IN STORING IN MY HOUSE AND ON MY PROPERTY, IS PRESENTLY UNTIL AUGUST 30, 2007, EQUAL TO \$750,000.00.. WITH PRICE TO TRIPLE AFTER THIS DATE. THE SHERIFF IS TO RESIGN AND SIGN AN AGREEMENT NEVER TO RUN FOR ANY PUBLIC OFFICE OR WORK IN ANY PUBLIC OFFICE. FOR THE REMINDER OF HIS LIFE, AND POST A BOND WITH THE CLERKS OFFICE OF \$5,000,000.00 GUARANTEEING THIS..

3. TALLAPOOSA COUNTY CLERK, A FINE OF ONE MILLION DOLLARS FOR NOT ABIDING BY THE GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION, AND THE FILING DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANTS MIKE COGGINS, AND DIANNE HARRELSON, AND THE REQUESTED PERMANENT RESTRAINING ORDER THAT WAS REQUESTED IN THE COMPLAINT. A LETTER OF RESIGNATION, WITH NEVER TO RUN FOR OR TAKE ANY PART IN A PPUBLIC OFFICE AGAIN FOR THE REST OF HIS LIFE...

4. CLERK OF THE UNITED STATES DISTRICT COURT, A FINE OF ONE MILLION DOLLARS, FOR NOT ABIDING BY THE GUARANTEED DUE PROCESS OF LAW AS GIVEN IN THE UNITED STATES CONSTITUTION, AND THE FILING DEFAULT AND DEFAULT JUDGMENT AGAINST THE ABOVE DEFENDANTS, AS REQUIRED IN THE DUE PROCESS OF LAW, AND FOUND ON THE SUMMONS THAT WAS DELIVERED.

**CONCLUSION:**

THE MAJOR PROBLEM IN THIS CASE CAME, WHEN THE JUDGE TRIED TO PLAY TWO ROLLS, ACTING AS A JUDGE AND ATTORNEY FOR THE DEFENDANT AT

THE SAME TIME. AFTER PROPER SERVICE WAS MADE BY PLACING THE COMPLAINT AND SUMMONS IN THE UNITED STATES MAIL, WITH PROPER POSTAGE AND SENT TO THE LAST KNOWN ADDRESS OF THE DEFENDANTS, AND SENT CERTIFIED WITH RETURN RECEIPT SENT TO THE CLERK OF THE COURT. TH JUDGE TRYING TO ACT AS ATTORNEY FOR THE DEFENDANT AND JUDGE, TRIED EVERY ILLEGAL METHOD HE COULD COME UP WITH TO DISSOLVE THIS CASE. NOT CARRYING ABOUT THE PLAINTIFFS GUARANTEED CONSTITUTIONAL RIGHTS TO THE DUE PROCESS OF LAW, THAT GIVES EVERY CITIZEN THE RIGHT TO BE HEARD IN ANY COURT IN THIS LAND.

AFTER ALLOWING THE PROPER TIME FOR AN ANSWER AND NEVER RECEIVED ONE, I FOLLOWED THE DUE PROCESS OF LAW BY FILING DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANTS. THIS IS THE ONLY LEGAL ISSUE BEFORE THIS COURT AT THIS TIME INVOLVING THIS CASE. THE CLERK .IF REQUIRED BY LAW TO FILE THIS DEFAULT AND DEFAULT JUDGMENT, WITHOUT ANY COURT ORDER OR JUDGES OPINION. THESE ESTABLISHED LAWS ARE NOT MADE FOR ANY COURT OR JUDGE TO MAKE ANY DECISIONS ON OR TO INTER FEAR WITH , FOR THEY ARE ESTABLISHED BY THE LAW MAKING BODY OF THE UNITED STATES GOVERNMENT. SINCE THIS COURT IS GUILTY IF PLACING ILLEGAL USAGE OF DIFFERENT LAWS TO ASSIST THE DEFENDANT WITH, USED THE TERMS OR WORDS **DISMISSED**, IS ILLEGAL, BEFORE A CASE HAS BEEN HEARD, TRYING TO BLOCK PROPER SERVICE, USING A JUDGE THAT IS INVOLVED WITH THE PLAINTIFF, WITH CRIMINAL AND PERJURY CHARGES

FILED WITH THE DISTRICT ATTORNEY AGAINST HIM, SAME CONSTITUTIONAL  
VIOLATIONS CHARGES FILED WITH THIS COURT AGAINST HIM. THIS ETHICS  
VIOLATION, MAKES EVERY THING HE DOES ILLEGAL, AND CREATES MORE  
PROBLEMS IN THESE CASES.

Gene Coggins  
GENE COGGINS

## CERTIFICATE OF SERVICE

1, GENE COGGINS, DO HEREBY DECLARE UNDER THE PENALTY OF PERJURY, THAT I HAVE PLACED UPON THIS DAY A COPY OF THE COMPLAINT AND SUMMONS IN THE U.S. MAIL, SENT CERTIFIED WITH RETURN RECEIPT, TO OFFICE OF THE CLERK, WITH PROPER POSTAGE, AND TO THE LAST KNOWN ADDRESS OF THE DEFENDANT.

Gene Coggins \_\_\_\_\_ DATE AUGUST 20, 2007  
GENE COGGINS Pro <sup>et al</sup>

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